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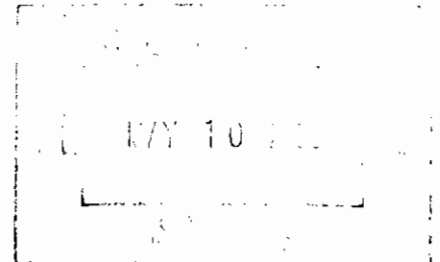
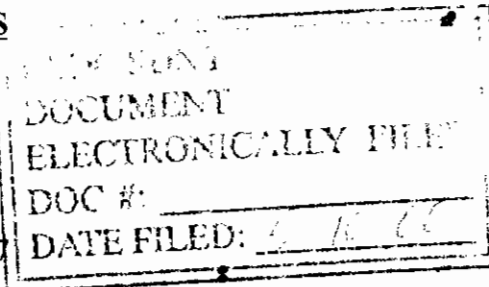
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May 9, 2006

VIA FEDERAL EXPRESS

Honorable Victor Marrero
United States District Judge
United States Courthouse
40 Centre Street
New York, New York 10007



**Re: 105 Street Associates, LLC v. Greenwich Insurance Company
05 CV 9938 (VM) (DCF)**

Dear Judge Marrero:

We represent Plaintiff in the above-referenced action. We write concerning a discovery dispute between the parties.

The Scheduling Order directs that fact discovery be completed by June 23, 2006. Exhibit "A". On February 23, 2006, we served interrogatories and a document request. Exhibits "B" and "C" respectively. On two occasions, we consented to a request of Defendant's counsel to extend the time in which to provide interrogatory responses and respond to Plaintiff's document request and produce documents. The most recent Stipulation extended Defendant's time until May 1, 2006, and provides that such extension is "final" and "may not be adjourned." Exhibit "D."

We still have not received any response to either discovery request notwithstanding the "final" extension. Nor have we received any response to our letter to Defendant's counsel, faxed on May 3, 2006, seeking a response. Exhibit "E."

Further delay may prove prejudicial to Plaintiff. This action seeks to compel Defendant-insurer to fulfill its defense and indemnity obligations to Plaintiff in connection with a pending personal injury lawsuit against it (and others). Discovery is almost concluded in that action and the Note of Issue date is only a few weeks away; the trial of that action may be held in a matter of months. If that occurs before Plaintiff's claims in this case are adjudicated, the claim

to compel Defendant to assume its defense obligations will be rendered moot, while Plaintiff faces potential financial ruin in the event that a substantial judgment is issued against it before this action is adjudicated.

Accordingly, we write to request an Order directing Defendant to fully comply with Plaintiff's First Set of Interrogatories and Plaintiff's First Request for Production of Documents by a date to be set by Your Honor.

We sent a similar letter yesterday to Magistrate Judge Debra C. Freeman. However, Chambers advised that the case had not been referred to the Magistrate Judge for discovery.

We thank you for your time and attention to this matter.

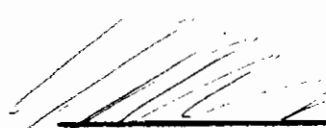
Respectfully submitted,



Donald F. Schneider

DFS/gk

Cc: Glenn Fuerth, Esq. (via Federal Express)

The parties are directed to address the matter set forth above to Magistrate Judge <u>Debra C. Freeman</u> , to whom this dispute has been referred for resolution, as well as for supervision of remaining pretrial proceedings, establishing case management schedules as necessary, and settlement.	
SO ORDERED.	
<u>5/10/06</u> Date	 VICTOR MARRERO, U.S.D.J.